

## ARGUMENT IN FAVOR OF PROPOSITION 48

This is a non-controversial change that updates the California Constitution. It passed each house of the Legislature unanimously.

Currently the state Constitution provides for two types of trial courts, superior and municipal courts, in each county. But due to unification of the trial courts, there are no longer any municipal courts in California.

However, the California Constitution still contains provisions dealing with municipal courts. These provisions are obsolete and need to be removed.

This proposition deletes these obsolete municipal court references from the California Constitution.

The proposition implements recommendations of the California Law Revision Commission, which was directed by law to recommend repeal of provisions that have become obsolete because of trial court unification.

HOWARD WAYNE, *Assembly Member*  
78th District

## REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 48

### LOST “CHECKS AND BALANCES”

As we explain in our main ARGUMENT AGAINST PROPOSITION 48 on the next page, removing all references in the California Constitution to “municipal courts” removes the possibility that the State Legislature or individual counties will ever re-establish a two-tier trial court system with its “checks and balances.”

### UN-ELECTED JUDGES

Not many years ago, many “justice court” and “municipal court” judges were elected by districts within counties. Under consolidation, all local judges are elected on a county-wide basis and are seldom challenged. As a result, the incumbents routinely win by default, and their names do not even appear on the ballot. Under consolidation, the local judiciary has become more insular.

### WHAT KEEPS JUDGES IN LINE?

Without the prospect of an election challenge, judges are restricted only by (1) their own integrity and

diligence, (2) some chance of reversal by an appellate court in individual cases, (3) the workings or non-workings of something called the “Commission on Judicial Performance,” and (4) if a crime is involved, the vigilance of prosecutors—especially the elected California Attorney General.

Based on our experience, we think the vast majority of California trial court judges are great; however, we need a system that makes every trial court judge accountable for following the law. Eliminating any chance of re-establishing municipal courts is a step in the wrong direction.

For more information, please see [www.VoterInformationAlliance.org](http://www.VoterInformationAlliance.org).

GARY B. WESLEY

*Attorney at Law*

MELVIN L. EMERICH

*Attorney at Law*